

August 15, 2006 CPC



STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

06SN0312

Marcy Thomas
and
Samuel Benjamin Thomas

Matoaca Magisterial District
Gates Elementary; Matoaca Middle; and Matoaca High School Attendance Zones
10601 Woodpecker Road

REQUEST: Conditional Use to permit a dwelling unit separated from the principal dwelling unit in an Agricultural (A) District plus Conditional Use Planned Development to permit use of a parcel of land with no public road frontage for dwelling purposes.

PROPOSED LAND USE:

A second dwelling unit is proposed separated from an existing dwelling unit on a parcel of land with no public road frontage.

RECOMMENDATION

Recommend denial for the following reason:

Although staff typically supports requests to allow second dwelling units for occupancy by family members, guests and domestic servants on a single parcel of land, this parcel has no public road frontage, as required by the Zoning Ordinance. The purpose of the public road frontage requirement is to insure adequate access for emergency vehicles and the public is provided and to insure that other County taxpayers do not eventually bear the cost of constructing public road accesses to serve dwelling units constructed without adequate accesses.

- (NOTES: A. CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS.
- B. IT SHOULD BE NOTED THAT PROFFERED CONDITIONS WERE NOT SUBMITTED AT LEAST THIRTY (30) DAYS PRIOR TO THE COMMISSION'S PUBLIC HEARING PER THE "SUGGESTED PRACTICES AND PROCEDURES" THE "PROCEDURES" SUGGEST THAT THE CASE SHOULD BE DEFERRED IF REPRESENTATIVES FROM THE AFFECTED NEIGHBORHOOD(S), STAFF AND THE COMMISSIONERS HAVE NOT HAD SUFFICIENT TIME TO EVALUATE THE AMENDMENT. STAFF HAS HAD AN OPPORTUNITY TO REVIEW THE PROFFERED CONDITIONS.)

PROFFERED CONDITIONS

1. Occupancy of the dwelling unit separated from the principal dwelling unit shall be limited to: the occupants of the principal dwelling unit, individuals related to them by blood, marriage, adoption or guardianship, foster children, guests and any domestic servants. (P)
2. Prior to release of a building permit, a deed restriction shall be recorded setting forth the limitation in Proffer 1 above. The deed book and page number of such restriction and a copy of the restriction as recorded shall be submitted to the Planning Department. (P)
3. Prior to the issuance of a building permit, the applicant shall provide to the planning department a copy of a recorded instrument which will include the following:
 - a. A fifteen (15) foot wide private access easement from Woodpecker Road to the subject parcel. The instrument shall require that no structure or fence shall be constructed to block the easement and shall require the land owner of the subject parcel to be responsible for maintenance of the access in accordance with the standards set forth below, or
 - b. If the access involves the use of a dedicated and unimproved County right of way, the applicant shall provide a copy of the approved license agreement with the County. (P)
4. Within the fifteen (15) foot wide private access easement or right of way, a twelve (12) foot wide roadway shall be constructed and maintained. Prior to issuing a Certificate of Occupancy the Planning Department and if required, the Fire Department, shall inspect this roadway to determine its compliance with the following standards.

- a) The roadway shall consist of no less than the following: compacted soil subbase with six (6) inches of compacted 21-B crushed stone. If an asphalt based surface is to be applied, it shall be designed and constructed to Chesterfield County subdivision street requirements or an equivalent design approved by the subdivision team, capable of supporting the projected 75,000 pound vehicle weight. The roadway shall not be approved if it is rutted or potholed and shall be maintained to this standard.
 - b) There shall be an additional three (3) foot clear area beyond the edge of the roadway.
 - c) There shall be a minimum vertical clearance of fourteen (14) feet of area above the roadway.
 - d) The roadway shall have a maximum grade of ten (10) percent with an appropriate transition at the street connection, unless otherwise approved by the Fire Department.
 - e) The minimum inside turning radius for any curve shall be twenty-seven (27) feet.
 - f) Any cross drains shall be designed to accommodate a minimum ten (10) year storm. (P, FD)
5. Prior to the issuance of a Certificate of Occupancy, the house number shall be installed on the mailbox or a pole and located at the driveway entrance of the State maintained road as well as the driveway entrance to the property. The house numbers shall be displayed in at least four (4) inch high numbers. (P)
6. This property shall not be further subdivided, including any family subdivisions, unless public road frontage is provided. (P)

GENERAL INFORMATION

Location:

Fronts the south line of Woodpecker Road, west of Nash Road, and is known as 10601 Woodpecker Road. Tax IDs 747-643-Part of 4639; 750-643-Part of 7120; 750-644-Part of 3565; 752-640-0296; and 752-644-Part of 9691 (Sheets 24 and 32)

Existing Zoning:

A

Size:

93.2 acres

Existing Land Use:

Single family residential, public/semi-public (Pocohontas State Park) or vacant

Adjacent Zoning and Land Use:

North, South, East and West - A; Single family, public/semi-public (Pocohontas State Park) or vacant

UTILITIES

Public Water System:

The public water system is not available to serve this site. This site is within the Rural Conservation area of the Southern and Western Area Plan where the use of public water is mandatory. However, residences that are located on lots that are exempt from the requirements of the subdivision ordinance are not required to connect (County Code Section 18-63(b)(5)).

Public Wastewater System:

The public wastewater collector system is not available to serve this site. This site is within the Rural Conservation area of the Southern and Western Area Plan where the use of public wastewater system is mandatory. However, residences that are located on lots that are exempt from the requirements of the subdivision ordinance are not required to connect (County Code Section 18-64(a)(6)).

ENVIRONMENTAL

Drainage and Erosion:

The subject property drains to the rear to Second Branch then via Second Branch to Swift Creek. There are no known on- or off-site drainage or erosion problems and none are anticipated after development

Water Quality:

Second Branch is a perennial stream and, as such, is subject to a 100-foot conservation area inside of which there are very limited uses.

PUBLIC FACILITIES

Schools; Libraries; Parks and Recreation; and Transportation:

This use will have a minimal impact on these facilities.

Fire Service

The Phillips and Winterpock Fire Stations, Company Number 13 and Company Number 19, currently provide fire protection and emergency medical service. One of the purposes of requiring that dwelling units front on a State maintained public road is to insure adequate access for emergency vehicles. Should this request be approved, it would be appropriate to accept Proffered Conditions 3, 4 and 5 which provide standards for the proposed private access.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Southern and Western Area Plan which designates the property as part of the Rural Conservation Area where activities are limited to primarily agricultural and forestal uses with isolated single family residences permitted on larger acreage parcels.

Area Development Trends:

Surrounding properties are zoned Agricultural (A) and are occupied by single family residential use, public/semi-public use (Pocohontas State Park) or are vacant. The Plan anticipates residential development on larger lots continuing in the area as planned development is suggested to be deferred twenty (20) years unless adequate public facilities are provided.

Zoning History:

A single family dwelling was constructed on the property subsequent to receiving a Variance from the Board of Zoning Appeals for no public road frontage in 1982 (Case 82AN047). Approval of the Variance was subject to two (2) conditions relative to construction of the access road to “all-weather” standards.

Access Design:

In an effort to insure the proposed private access will be adequate, Proffered Conditions 3, 4 and 5 provide that the private access will be secured by a recorded easement and will be constructed and maintained to minimum standards set forth relative to width, base, slope, etc. Should the Commission and Board find it appropriate to approve this request, acceptance of Proffered Condition 3, 4 and 5 would be appropriate.

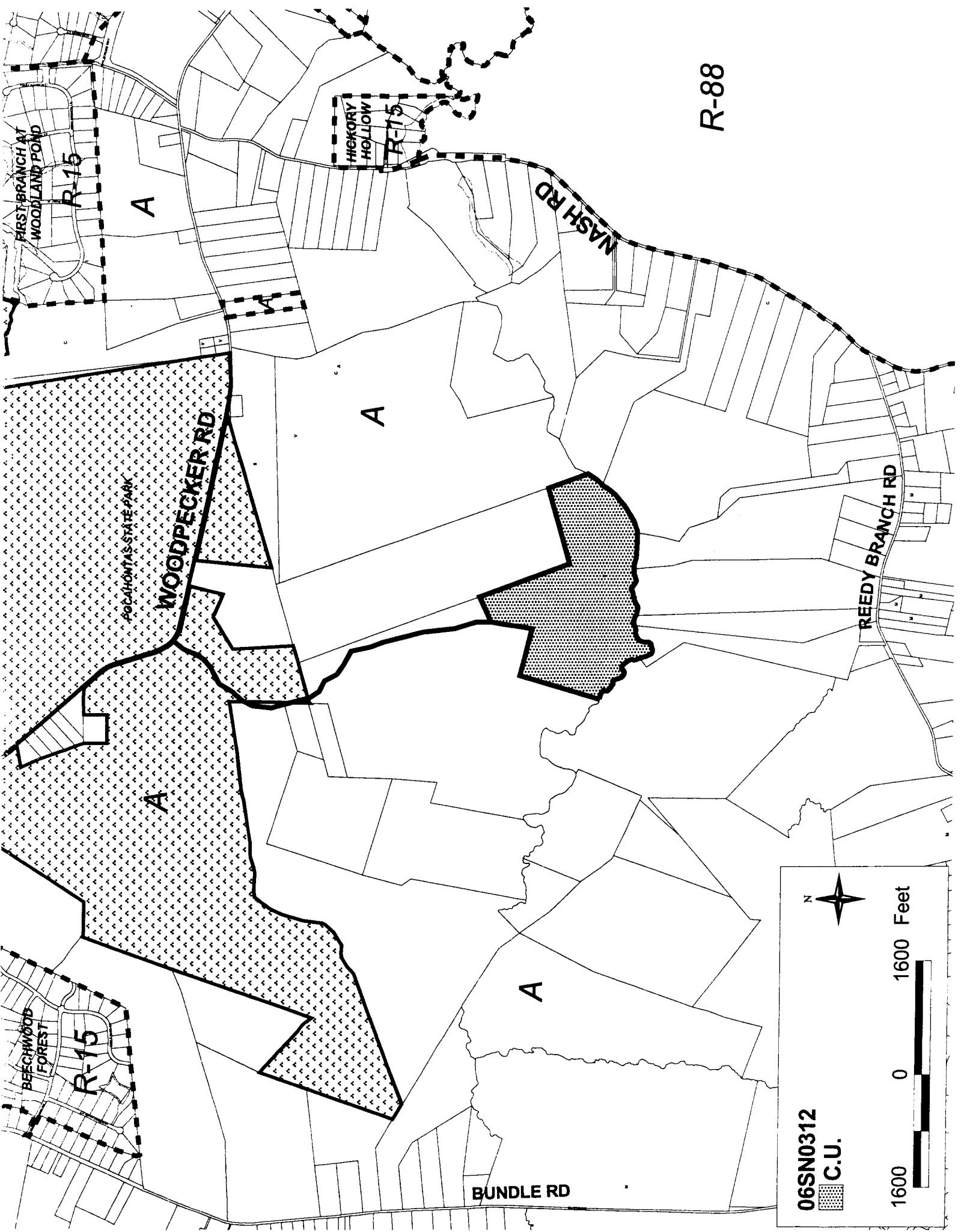
Occupancy:

Proffered Conditions 1 and 2 limit occupancy of the second dwelling to the occupants of the principal dwelling unit, their family members, guests or any domestic servants and require that a deed restriction be recorded notifying future owners of the property of this restriction.

CONCLUSIONS

Although staff typically supports requests to allow second dwelling units for occupancy by family members, guests and domestic servants on a single parcel of land, this parcel has no public road frontage, as required by the Zoning Ordinance. The purpose of the public road frontage requirement is to insure adequate access for emergency vehicles and the public is provided and to insure that other County taxpayers do not eventually bear the cost of constructing public road accesses to serve dwelling units constructed without adequate accesses.

Given these considerations, denial of this request is recommended.



R-88

FIRST BRANCH AT
WOODLAND POND

R-15

HICKORY
HOLLOW

R-15

NASH RD

POCAHONTAS STATE PARK

WOODPECKER RD

REEDY BRANCH RD

BEECHWOOD
FOREST

R-15

BUNDLE RD

06SN0312

C.U.



1600 0 1600 Feet